IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 425/2000

RAMKISHAN JANGID Vs. RAMESHWAR PRASAD JANGID & ANR.

Date: 03.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.S. Naruka for the complainant-petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.

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This revision petition is directed against the judgment dated 09.06.2000 passed by the appellate Court in criminal appeal No. 34/2000 filed by accused respondent Rameshwar Prasad Jangid. Vide judgment dated 05.04.99 passed by the trial Court, accused Rameshwar Jangid was hold guilty under Section 138 of the Negotiable Instruments Act and sentenced simple imprisonment for four months and a fine of Rs. 5,000/-, in default of payment of fine the accused have to further undergo simple imprisonment for one month. Out of Rs. 5,000/- it was ordered that Rs. 4,000/- be given to the complainant.

The said judgment dated 05.04.99 passed by the trial Court has been assailed by the accused before the appellate Court and the appellate Court vide judgment dated 09.06.2000 has dispensed with the sentence of

four months but enhanced the amount of fine from Rs. 5,000/- to Rs. 15,000/- holding the accused guilty under Section 138 of the Negotiable Instruments Act.

The said judgment dated 09.06.2000 passed by the appellate Court has been challenged by the petitioner in this revision petition on the ground that appellate Court cannot dispense with the sentence of four months and further submits that enhancement of amount of fine/penalty amount will not serve the purpose of justice.

I have heard learned counsel for the petitioner, learned Public Prosecutor for the State and carefully gone through the judgment dated 09.06.2000 passed by the appellate Court in appeal.

I find no illegality in the judgment dated 09.06.2000 passed by the appellate Court as looking to the facts and circumstances of the case, penalty amount has rightly been enhanced to Rs. 15,000/- and the appellate Court is empowered to reduce or enhance the sentence.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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